

Minutes
Catawba County Board of Commissioners
Regular Session, Tuesday, September 16, 2002, 7:00 p.m.

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The Catawba County Board of Commissioners met in regular session on Monday, September 16, 2002, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chairman W. Steve Ikerd, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty and Dan A. Hunsucker.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, and County Clerk Thelda B. Rhoney.

1. Chairman Ikerd called the meeting to order at 7:00 p.m.
2. Invocation was offered by Reverend Joel Cherry.
3. Commissioner Barnes made a motion to approve the minutes from the regular session of Monday, September 3, 2002. The motion carried unanimously.
4. Special Guests:

Chairman Ikerd recognized Candidates Lynn Lail, Sonny Franks, Glenn Barger, and Kitty Barnes. He recognized Sarah Talbert, Hickory Public Schools Board of Education member. He also recognized Gerald Kamp and Joe Momier.

5. Presentation of Proclamations:

- a. National 4-H Week Proclamation presented to Donna H. Mull, Extension Agent, 4-H and 4-H Members Casey Wentz and Kendall Reep.

Commissioner Hunsucker presented the National 4-H Week Proclamation to Donna H. Mull.

Ms. Mull said in recognition of 100 years of 4-H, 4-H nationwide conducted a national youth conversation as a birthday present to the nation from 4-H. This is the first time any organization has developed a series of recommendations starting at the local level and concluding with a national youth conversation and a national report which has been presented to the national legislators. She said this was unique as there were youth sitting around the table and very few adults. They started by asking the question, "Within the next 3-5 years what are the most important actions that we can take to create the future we want for youth, ourselves, and our community?" She said the local conversation involved over 100 local youth representing middle school, high school and youth organizations.

Kendall Reep and Casey Wentz shared their thoughts from the local and national conversation.

Ms. Mull distributed to each board member a copy of the report, *"The National Conversation on Youth Development in the 21st Century: Final Report."*

6. Public Hearings:

- a. Rezoning request of Douglas W. Rink to rezone a 1.447 acre portion of a 9.91 acre tract from C-1 Commercial to C-2 Commercial.

Planner Rich Hoffman said the applicant is requesting to rezone approximately a 1.447 acre portion of an approximately existing 9.91 acre tract from C-1 Commercial to C-2 Commercial. This property is located in Mountain Creek at 6146 E NC 150 Highway in Denver near the intersection of Grassy Creek Road (State Road #1853) and NC Highway 150. It is further identified as Parcel I.D. number 3696-05-19-8586. The properties to the east and southeast are developed commercially with residentially/agriculture properties to the north, west and south. The properties to the east and southeast are zoned C-1 Commercial and C-2 Commercial. The properties to the north, west and south are zoned R-2 Residential. The parcel identified as parcel #1 was rezoned to C-2 Commercial on March 19, 2001. N.C. Highway 150 is designated as a minor arterial road on Catawba County's Thoroughfare Plan. This system, in conjunction with the principal arterial roads, forms a network that links cities, larger towns, and other major traffic generators. According to the Catawba County

Thoroughfare Plan, N. C. Highway 150 has a road carrying capacity of 9,900 vehicle trips per day. The 1999 traffic count at the intersection of NC Highway 150 and Mt. Pleasant Road is 12,000 vehicle trips per day.

Vision Quest 2010: Catawba County's Comprehensive Plan designates this area as "Limited Transition Area." Limited Transition Areas are not located adjacent to municipalities, but have many of the characteristics of Transition Areas. They typically can be found in areas of the County near crossroad communities or along NC Highway 150 with developing commercial and residential growth.

The following growth management policies apply to this request:

Policy 1.15 Address compatibility between land uses when making land use decisions.

Policy 1.33 Encourage retail and office uses in areas located on an arterial, a major thoroughfare or major collector and in areas where turning movements are safe and interparcel access is available.

Policy 1.39 Encourage retail and office uses to be designated so that they are compatible with surrounding development and separated from residential neighborhoods by the use of buffering or "step-downs" in use and intensity.

The Planning Board voted unanimously for a favorable recommendation to the Board of Commissioners.

After a brief discussion, Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Reverend Joel Cherry asked if there were any plans to develop the land.

Mr. Hoffman said the use was not part of this request.

Mr. Paul Carter, Sherrills Ford asked if this were zoned to C-2 would it violate the plan that is currently under consideration for the Sherrills Ford Small Area Plan (SAP)?

Mr. Hoffman said it would not have any change on the SAP.

There being no one else wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Huffman made a motion to approve the request of Douglas W. Rink to rezone a 1.447 acre portion of a 9.91 acre tract from C-1 Commercial to C-2 Commercial. The motion carried unanimously.

b. Local Law Enforcement Block Grant.

Business Manager Sheriff's Office Jennifer Sumpter said the Sheriff's Office applied for and received a Local Law Enforcement Block Grant in the amount of \$27,159 with a required cash match of \$3,018. Grants under this program can be used for virtually any purpose that supports law enforcement agencies and their officers. The special conditions of the grant required the formation of an advisory committee with representation from specific groups to make non-binding suggestions on how the funds should be spent. The advisory committee met on August 26, 2002. The committee, as well as the Sheriff's Office, recommended spending the grant and required match to purchase the following items: K-9 Program; Evidence Drying Cabinet (\$4,861); Electrostatic Print Lifting Kit (\$600); Voice Throat Mics and spare portable radio batteries (\$7,947); Mobile Repeater (\$2,675); and Mobile Data Terminals (\$11,594).

TRANSFER OF APPROPRIATION:

From:

110-190100-994000	County Manager's Contingency Fund	\$3,018
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To:

110-210050-870100	Small Tools & Minor Equipment	\$3,018
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SUPPLEMENTAL APPROPRIATION:

Revenue

110-210050-620325	LLEBG	\$27,159
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Appropriation:

110-210050-870100	Small Tools & Minor Equipment	\$27,159
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Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Hunsucker made a motion to accept the Local Law Enforcement Block Grant. The motion carried unanimously.

- c. Public hearing to consider the Uniform Schedule Of Values, Standards and Rules for the 2003 Revaluation of Property.

Tax Administrator Randall W. Moose said under the provisions of NCGS 105-286, Catawba County is conducting a revaluation of all real property to become effective January 1, 2003. In preparation for the revaluation, the Assessor's Office has developed a uniform schedule of values, standards, and rules to be used in appraising property at its true market value and its present use value. Pursuant to NCGS 105-317 (c), on September 3, 2002, he, as Assessor, submitted the proposed schedule of values, standards, and rules to the Board for its consideration. A copy of the proposed schedule is filed in his office and is available for public inspection during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Also at the Boards September 3, 2002 meeting, the Board called for a public hearing to be held this evening to consider the proposed Schedule of Values. During the public hearing, property owners have the right to comment on the schedules, standards, and rules. In accordance with NCGS 105-317, this public hearing must be held at least seven days before adoption. To comply with this and also the timeline previously presented to the Board, it would vote on adoption at the next regularly scheduled meeting on Monday, October 7, 2002.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Mr. Charles Readling, 3719 Falling Creek Road, Hickory, said in 1996 he paid \$1,276.50 in property taxes for his home which is valued at \$115,000; in 1999 he paid \$1,679.32 per year, over \$400 or a 32 percent increase. He anticipates a total of \$1,931.22 or an additional 51 percent increase in 6 years. There have been no street improvements, curbs or sidewalks in his neighborhood. He feels there has been no decrease spending in Catawba County and the City of Hickory due to the actions of Governor Easley. He feels the citizens need some relief.

Chairman Ikerd explained the revaluation and said that it is authorized by the General Statutes every four to eight years. Counties/cities/towns have no control over mandates from the state and counties have to raise taxes to meet the mandates. He also recommended that Mr. Readling contact the legislative delegation.

County Manager J. Thomas explained that the governor withheld \$4.5 million and county departments are making cuts every week.

Mr. Moose again explained how values are determined.

There being no one else wishing to speak, Chairman Ikerd closed the public hearing.

After a lengthy discussion, Chairman Ikerd said the Board will vote on the Uniform Schedule Of Values, Standards and Rules for the 2003 Revaluation of Property at the October 7, 2002 regularly scheduled Board meeting.

7. Appointments:

Alcoholic Beverage Control Board

Chairman Ikerd reappointed C. Randall Isenhower to a seventh term beginning October 6, 2002, and ending October 5, 2005.

Criminal Justice Partnership Advisory Committee

Commissioner Hunsucker appointed Ron Abernathy, 100 Island Ford Road, Maiden, as Chief Court Counselor Representative, for an unexpired term which will expire June 30, 2004. Mr. Abernathy replaces Dianne Poovey, who retired.

Commissioner Hunsucker reappointed the following for 3-year terms will expire June 30, 2005:

Emmett D. Clark, Sr. for a third term
 Kathy Clay for a third term
 Charles Cooper for a third term
 Betty M. Echerd for a second term
 Michael Hale for a second term
 John M. Hardy for a third term
 Sally Poteat for a second term
 Melissa C. Rhyne for a third term
 Brent Whitener for a first term

Community Service Block Grant Advisory Board

Commissioner Huffman appointed Donna Mull, 2176 Little John Trail, Newton, as a People in Poverty Representative, replacing Deborah A. McEachran who resigned. The 3-year term expires June 30, 2005.

Commissioner Huffman also reappoint Alanda Richardson for a second, 3-year term which will expire June 30, 2005.

Commissioner Huffman made a motion to approve the aforementioned appointments. The motion carried unanimously.

8. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda:

a. Bid Award for Bid #03-1000 – Wheel Loader.

Mr. Lundy said the Finance and Personnel Subcommittee recommended that the Board of Commissioners award a bid to James River Equipment for a Wheel Loader in the amount of \$92,980, plus \$4,850 for a five-year warranty. Staff further requested the 1993 Caterpillar IT28 Loader be declared as surplus property and authorize the trade-in towards the purchase. The new loader will be used to load wood material into grinders, load mulch for customers, load dirt for landfill needs, maintain white goods area, and load gravel into dump trucks to maintain roads at the landfill. The budget for this project is \$120,000. The specifications required a 30,000-pound size class Wheel Loader. An optional five-year/7,500 hour full machine warranty was requested. The following bids were received on August 26, 2002:

Briggs Equipment – Case 721C

Bid:	\$110,498.64
Trade-in:	-20,000.00
Warranty:	6,468.00
Total Net Bid:	\$96,966.64

James River Equipment – John Deere 624H

Bid:	\$118,980.00
Trade-in:	-26,000.00
Warranty:	4,850.00
Total Net Bid:	\$97,830.00

L.B. Smith, Inc. – Volvo L90D

Bid:	\$121,905.00
Trade-in:	-27,000.00
Warranty:	5,400.00
Total Net Bid:	\$100,305.00

Carolina Tractor – CAT 938G

Bid:	\$123,070.00
Trade-in:	-20,000.00
Warranty:	4,500.00
Total Net Bid:	\$107,570.00

Interstate Equipment – Kawasaki 70Z-V

Bid:	\$119,753.00
Trade-in:	-23,000.00
Warranty:	11,491.00
Total Net Bid:	\$108,244.00

A.E. Finley & Associates – New Holland LW170

Bid:	\$118,330.00
Trade-in:	-24,000.00
Warranty:	15,750.00
Total Net Bid:	\$110,080.00

James River Equipment took no exceptions to the bid specifications. Briggs Equipment bid a Case 721C and took several exceptions.

- b. Waiver of Solid Waste Disposal Fees for Lake Hickory Association, participation in Litter Sweep Weeks in September.

The Lake Hickory Association as part of State and Catawba County's Litter Sweep Program will sponsor their annual waterway cleanup event on Lake Hickory and Lake Lookout. Garbage Disposal Service/Republic Waste will donate the cost of the container and hauling of the container to the Blackburn Landfill. The Public Works Subcommittee recommended that the Board of Commissioners waive the solid waste tipping fees for two 20 cubic yard waste containers for the Lake Hickory Association participation in Litter Sweep Weeks in September as requested by Mr. James "Jim" Carr.

- c. Waiver of Solid Waste Disposal Fees for Habitat for Humanity of Catawba Valley.

The Habitat for Humanity of Catawba Valley is clearing three lots on 7th Street Drive SE, Hickory, in order to construct three homes. The land clearing will begin in October and will be transported to the Blackburn Landfill Facility. The Public Works Subcommittee recommended that the Board of Commissioners waive the solid waste tipping fee for Habitat for Humanity of Catawba Valley for land clearing debris for lots located on 7th Street Drive SE, Hickory.

- d. Waiver of Fee for Mulch to be used at Blackburn Elementary School.

Catawba County Blackburn Elementary School is preparing for a visit from the Southern Association of Colleges and Schools (SACS) in late September and will begin a beautification project, which will include mulching flowerbeds. The Blackburn Elementary School PTO Executive Board has requested a waiver of the fee for approximately 50 cubic yards of mulch and will arrange to pick up and deliver from the County's Landfill to the school. The Public Works Subcommittee recommended that the Board of Commissioners waive the fee for approximately 50 cubic yards of mulch for Blackburn Elementary School.

- e. Rejection of Bids for 1999 Clean Water Bond Project, Contract No. 2, Elevated Tank and Booster Pump Station, Town of Maiden Service Area.

The Public Works Subcommittee recommended that the Board of Commissioners reject bids for the 1999 Clean Water Bond Project, Contract No. 2, Elevated Tank and Booster Pump Station, Town of Maiden Service Area. The bids received for Contract No. 2 were higher than the estimated cost of

construction. The estimated cost of construction for the base bid with a 250,000 gallon elevated storage tank is \$599,153. The estimated cost of construction for the base bid utilizing the alternate bid item of a 500,000 gallon elevated storage tank is \$673,247. Bids received ranged from \$752,274 to \$886,899 for the base bid alone. Bids ranged from \$808,115 to \$975,853 for the base bid utilizing the alternate bid. Staff requests the bids be rejected and the project be rebid. The bid specifications have been modified by lowering the height of the tank from 203 feet to 160 feet. The new bid specifications requires an alternate bid for a 203 foot tall tank; this item was included in the base bid for the bids accepted on June 17, 2002. A new bid opening date was scheduled for August 12, 2002, but only two bids were received so they were not opened. A new bid opening date has been scheduled.

Bid Tabulation Summary

For: Contract No. 2 – Catawba County 1999 Clean Water Bond Project
Elevated Water Tank and Booster Pump Station
Town of Maiden Service Area
WKD #90394.72.HI
Opening Date: June 17, 2002

<i>Name of Bidder</i>	<i>Bid Bond</i>	<i>MBE Documentation With Bid¹</i>	<i>Base Bid Item #1 250,000 Gal. Elevated Tank</i>	<i>Base Bid Item #2 Booster Pump Station</i>	<i>Total Base Bid (item #1 and #2)</i>
Buckeye Construction 654 Buckeye Cove Road Canton, North Carolina 28716	X	X	\$613,497.00	\$138,750.00	\$752,247.00
Caldwell Tank, Inc. 4000 Tower Road Louisville, KY 40219	X	Not included with bid	\$617,394.00	\$151,600.00	\$768,994.00
Gilbert Engineering 628 S. Meeting Street Statesville, NC 28687	X	X	\$708,853.00	\$178,046.00	\$886,899.00
Poquoson Construction 1308 N. Maple St. Concord, NC 28027	No bid				

¹Proper MBE Documentation includes: Identification of Minority Business Participation form and Affidavit A or Affidavit B

- f. Children's Protection Council requests approval to use front steps of the Justice Center for a vigil on October 7, 2002, from 11:00 a.m. until 1:00 p.m.
- g. Ratify staff action for approval of American Legion Post No. 16 to use 1924 Courthouse and west lawn grounds on September 11, 2002, from 11:00 a.m. until 1:00 p.m.

Commissioner Barnes made a motion to approve the consent agenda. The motion carried unanimously.

End Consent Agenda

9. Departmental Reports:

a. Utilities and Engineering:

1. Request Approval for Engineering Services.

Utilities and Engineering Director Barry B. Edwards, P.E., said the Public Works Subcommittee recommended that the Board of Commissioners approve McGill Associates, PA, as designer/engineer for the Advent Crossroads Waterline project (contingent upon grant

approval) in the amount of \$95,000 and the NC 150 Area Water project in the amount of \$185,000. Mr. Edwards recommended that the board authorize the exception from announcing all requirements for architectural, engineering, and surveying services (General Statute 143-63.32).

Advent Crossroads Water Project:

Mr. Edwards said the County applied for a Community Development Block Grant (CDBG) to address the water needs of the residents in and around the Advent Crossroads area. McGill Associates is familiar with the area and the needs of the community and has also assisted the County in previous CDBG projects. This project will consist of approximately 18,800 linear feet of 12-inch and 8-inch diameter waterline, with associated appurtenances, along sections of Old Shelby Road, Henry River Road, George Hildebran Road, Advent Road, and Bakers Mountain Road. This project will also include a constructed in place pump station along Old Shelby Road, and a 100,000-gallon ground storage tank to be located on property owned by Catawba County on Bakers Mountain Road. The proposal is estimated at \$95,000 for design and engineering, approval process, bidding and award process, and construction management.

NC 150 Area Water Project:

The State informed the County of groundwater contamination in the area of Bach's Mobile Home Park off of NC Highway 150. This project has been identified in the Fiscal Year 2002-2003 budget as an approved project in the amount of \$2,246,200. In order to provide the much needed public water service in this area, a proposal has been requested from McGill Associates based on their past studies of the project area, overall work and design history, and knowledge of the Sherrills Ford/Terrell hydraulics infrastructure. This project will consist of three phases. Phase 1 of the project includes construction of approximately 8,300 linear feet of 12-inch diameter waterline with associated appurtenances along Sherrills Ford Road. Phase 2 of the project includes construction of approximately 30,600 linear feet of 12-inch and 8-inch diameter waterline with associated appurtenances along portions of NC 150, Bach Drive, Tuttlewood Drive, Emerald Isle Drive, and Mt. Pleasant Road to Emerald Isle Drive. Phase 3 of the project includes construction of approximately 2,800 linear feet of 12-inch diameter waterline with associated appurtenances along Mt. Pleasant Road from Emerald Isle Drive to Mt. Pleasant Methodist Church. The proposal is estimated at \$185,000 for design and engineering, approval process, bidding and award process, and construction management.

General Statute 143-64.32 allows local governments to exempt themselves from announcing architectural, engineering or surveying services. The exception is permitted under "sole discretion" and must be in writing "stating the reasons and attendant circumstances." Catawba County – 508.31 requires Board of Commissioner approval for a professional fee \$75,000 or more.

Commissioner Beatty made a motion to approve McGill Associates, PA as designer/engineer for the Advent Crossroads Waterline project (contingent upon grant approval) in the amount of \$95,000, and the NC 150 Area Water project in the amount of \$185,000, and to authorize the exception from announcing all requirements for architectural, engineering, and surveying services pursuant to General Statute 143-63.32. The motion carried unanimously.

b. Mental Health:

1. Governance for Mental Health and Mental Health Reform.

Mental Health Director John M. Hardy said the Policy and Goals Subcommittee recommended that the Board of Commissioners convey to the Secretary of the Department of Health and Human Services 1) that it intends to use the single county Area Authority model for the governance of its mental health related services; 2) that for the purposes of Mental Health Reform, Catawba County is planning for implementation in Phase II, starting in January of 2004; 3) frustration about the State's inability to produce the necessary financial models and funding information needed to do effective local planning. He said the Mental Health Reform legislation requires that counties declare what form of governance they choose by October 1, 2002. An ad hoc committee made up of two county commissioners, county manager, three Mental Health Board members, area director, and two mental health staff met in June to discuss the various options. Those options included being a single county area authority (as

currently), a single county program, a multi-county area authority, or a multi-county program organized through inter-local agreements among counties. The committee's recommendation was to retain the area authority approach that is currently used. If other factors make this not plausible in the future, then this would be revised at that time. The Mental Health Board adopted that position and further accepted the Director's recommendation to implement Mental Health Reform in Phase II, starting in January of 2004.

The Board of Commissioners expressed its disappointment/frustration over the State's failure to provide any financial information around the impact of Mental Health Reform and cost modeling.

After a brief discussion, Commissioner Hunsucker made a motion to approve Catawba County continuing with the Area Authority model of governance for the purposes of managing and delivering mental health related services, and for the purposes of implementing the State Plan under Mental Health reform, Mental Health Services should participate in Phase II starting January of 2004. The motion carried unanimously.

c. Facilities:

1. Improvements to Bakers Mountain Park.

Facilities Director Michael S. Talbert said Catawba County opened Bakers Mountain Park on June 1, 2002. The first phase of park construction was completed, including all elements of park construction in the original scope of the PRTF Grant with the exception of open meadows. The original scope of the project had four (4) open meadows. Bakers Mountain is a heavily wooded site with limited opportunities for open meadows without cutting away a part of the forest. The \$165,900 grant required a 100 percent County match for a total of \$331,800. A total of \$431,000 was budgeted for the project including the \$165,900 grant, and to date total expenditures are \$228,546.75. Bakers Mountain Park was completed under budget using considerable staff time, equipment, and volunteer labor. The County is \$103,253.25 below the \$331,800 budget required by the State Grant. At this time the County will need to either return \$51,626 to the Parks and Recreation Trust Fund or amend the grant and make additional park improvements. Staff had discussions with Kathy White, North Carolina Parks and Recreation Trust Fund, concerning an amendment to the project scope. Ms. White agreed to a final completion date of February 1, 2003, and will support adding the following recreational activities to Bakers Mountain Park:

1. Two additional picnic/trail shelters and parking.
2. An enclosed picnic shelter/classroom.
3. An additional 8,000 liner feet of woodland trails.
4. A self-guided interpretive trail.
5. A second water fountain.
6. Landscaping to improve park appearance.
7. An additional 1,000 liner feet of security fencing.
8. Addition of eight picnic tables.
9. Wildlife food plots, including bird feeders and birdhouses.
10. Directional signage on NC Highway 127 to improve accessibility.

Park visitors have requested most of these improvements. All of these improvements can be completed by February 1, 2003, using available funds. While it will cost the County \$51,626 to amend the grant, significant improvements can be made to Bakers Mountain Park and the State will pay 50 percent. The Public Works Subcommittee recommended that the Board of Commissioners authorize an amendment to the scope of the Parks & Recreation Trust Fund Grant for Bakers Mountain by approving an additional \$103,253 of park improvements to fully utilize PARTF grants funds.

Commissioner Huffman made a motion to approve an amendment to the scope of the Parks & Recreation Trust Fund Grant for Bakers Mountain by approving an additional \$103,253 of park improvements to fully utilize PARTF grants funds. The motion carried unanimously.

d. County Manager's Office:

1. Proposed Goals for the 2003-2004 Session of the North Carolina General Assembly.

Deputy County Manager Steven D. Wyatt presented the proposed goals and requested that the Board consider the 2003-2004 Legislative Goals for submission to the North Carolina Association of County Commissioners. The North Carolina Association of County Commissioners has requested that each of its constituent counties submit issues and ideas for consideration as the Association begins to develop its 2003-2004 legislative agenda. The Association will divide all proposed goals into categories such as Taxation and Finance, Criminal Justice and Courts, Public Education, Human Resources, Environment, Agriculture, and Intergovernmental. The Association will refer the proposed goals to an appropriate steering committee. The steering committees will begin working in October to screen the counties submissions prior to referring them to the Legislative Goals committee who review and then recommend a legislative goals package to the NCACC Board of Directors. In December, the Board of Directors will review the package and prepare the proposal for the Association membership to be considered January 16-17, 2003. Once the issues are voted on and approved by the membership, it becomes the marching orders for the association and its lobbying team to follow throughout the biennial session.

Ms. Kelly Isenhour, Assistant Public Health Director, presented Item No. 9, Public Health Issues – Board of Public Health resolutions.

Staff recommended adoption of the 2003 Legislative Goals for submission to the North Carolina Association of County Commissioners.

After a lengthy discussion, Commissioner Barnes recommended that the School bus access to non- DOT roads be deleted. She also distributed forms that Board members could fill out to serve on a steering committees for the State Legislative Goals Committee.

Chairman Ikerd said he opposed the real estate transfer tax in Item No. 2.

Commissioner Hunsucker recommended that the second sentence in Item No. 2 be deleted.

Commissioner Huffman made a motion to adopt the following 2003 Legislative Goals except delete the second sentence in Item No. 2: "Options should include, but not be limited to, real estate transfer taxes, impact fees, sales tax, and local taxes on services," and to delete Item No. 5, School bus access to non- DOT roads, and to submit the remainder to the North Carolina Association of County Commissioners. The motion carried unanimously.

**CATAWBA COUNTY
2003 LEGISLATIVE GOALS**

Deadline: October 1, 2002

1. Medicaid

The State should assume the full non-federal share of Medicaid costs, or, provide counties with a new, dedicated revenue source equivalent to each County's share of the Medicaid match.

2. School Construction Funding

Counties should be granted authority to implement funding options other than property taxes to fund school construction and school construction debt retirement. ~~Options should include, but not be limited to, real estate transfer taxes, impact fees, sales tax, and local taxes on services.~~

3. E911 Fees

Counties should be granted flexibility in the expenditure of locally levied E911 telephone fees to cover the costs necessary to provide the entire equipment cost of the service.

4. Economic Development

The State should develop a mechanism that takes into account County unemployment rates and growth in unemployment rates in the application of state incentives for economic development. A suggested approach could be a temporary reduction in tier classification for counties experiencing significant changes in their employment base.

5. ~~School bus access to non-DOT roads~~

~~Amend N.C. G.S. 115c-246 to clarify that school systems may operate school buses on streets and roads other than those maintained by the State, at the systems discretion.~~

6. 5. Expansion of the sales tax

The current levy of State and local sales tax does not include a large portion of the economy --services. The State law governing sales taxes should be revised to effectively reflect the shift toward a larger service economy, thus leveling the playing field between economic sectors and providing much needed State and local revenue, as well as easing local governments reliance on the property tax.

7. 6. Session Limits

Seek an amendment to the State constitution to prohibit the General Assembly from convening later than January 15 and no more than 120 days in any one calendar year. Exceptions to be allowed only upon declaration of an emergency by the Governor.

8. 7. Retirement System

Current law establishes an oversight Board for both the state employees and local government employees retirement systems. The governor appoints 13 of the 15 members – only 3 of which represent local government. Seek legislation, which increases local government representation and specifies that these additional representatives must be members of the system.

9. 8. Public Health Issues – Board of Public Health resolutions

Support a tax increase to the national average applied to the real price of tobacco products with the resulting revenue being used to replace the County match requirement for Medicaid. Support a tax increase to the national average applied to the real price of consumable alcoholic beverages with the resulting revenue distributed to health related programs administered by local public health agencies under the authority of the Department of Health and Human Services. Support legislation that delegate's authority to local health departments to set all Environmental Health fees.

10. Attorneys' Report:

a. Policy Regarding Closed Session Minutes.

County Attorney Robert Oren Eades said North Carolina General Statute Section 143-318.10(e) provides in pertinent part "that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session." Catawba County does not now have in place a process by which minutes of closed sessions are regularly reviewed to determine whether or not those minutes need to be maintained in confidence.

He presented the following policy:

POLICY OF THE CATAWBA COUNTY BOARD OF COMMISSIONERS

Disclosure of Minutes of Closed Session

The Clerk of the Board of Commissioners shall prepare and keep minutes of closed sessions of the Board of Commissioners. The minutes for each purpose of a closed session shall be kept on a separate sheet or sheets of paper to facilitate public disclosure of those portions of a closed session which may be disclosed. Draft and approved minutes of closed sessions shall be held in a confidential file by the Clerk to the Board until either the County Attorney or the Board of Commissioners has determined that public inspection would not frustrate the purpose of the closed sessions for which the minutes were prepared.

At least monthly the County Attorney shall review minutes of prior closed sessions to determine whether any of such minutes may be reclassified as no longer needing to be held in confidence. In making this determination, the County Attorney may consult with the County Manager or other such County Staff members as the County Attorney believes necessary to properly make such determination. Upon being notified of such a determination, the Clerk to the Board shall place the

minutes of such closed sessions into a public inspection file which the Clerk shall maintain in the Office of the Clerk.

In addition, any County Commissioner and any member of the public may request that the County Attorney review the minutes of a specific closed session to determine whether it can be disclosed to the public. Should there be any disagreement about whether the minutes of any particular closed session can be made public, any County Commissioner or any member of the public may request that the entire Board of Commissioners review the minutes of such closed session and make a determination as to whether the minutes of that session may be made public or whether the minutes of such closed session should be withheld from public inspection because public inspection would frustrate the purpose of the closed session.

Minutes of prior closed sessions placed in the public inspection file shall be classified as public records to be available for inspection by members of the public.

The Policy and Goals Subcommittee recommended that the Board of Commissioners approve the above policy in order to meet the requirements of the North Carolina Open Meetings Statute.

After a brief discussion, Commissioner Barnes made a motion to approve the aforementioned policy. The motion carried unanimously.

11. Manager's Report:

a. Review of Current Appointment Process.

County Manager J. Thomas Lundy said the Catawba County Board of Commissioners' board appointment process has been in existence since December 12, 1974. It has been in its current form since February 4, 1991. The current procedure was amended February 18, 1991, April 1, 1991, February 1, 1999, and December 13, 2000. He recommended the following revised policy:

APPOINTMENT PROCESS

1. A block ad will announce pending appointments twice a year at six-month intervals in the local newspapers and on the County's website; the ad will provide information pertinent to the appointments.
2. A "Volunteer Information and Interest Sheet" will be mailed to those expressing an interest, or they will be available from any Commissioner or by calling or visiting the County Manager's office. The "Volunteer Information and Interest Sheet" may also be found on the County's website at www.co.catawba.nc.us/misc/boards/boardapp.htm.
3. The Volunteer Information and Interest Sheets will be collected and maintained in the County Manager's Office and will be distributed to all Commissioners.
4. All five Commissioners share the responsibility of making recommendations for new appointments or reappointments to the various boards and commissions. Commissioners will provide notice of intent to nominate or reappoint and invite comments prior to the date of the Board of Commissioners meeting at which they plan to give formal nomination/recommendation.

This 16th day of September, 2002.

Commissioner Beatty made a motion to approve the aforementioned amendments to the appointment process. The motion carried unanimously.

12. Other items of business:

- a. County Attorney Robert Oren Eades requested a Closed Session in accordance with North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real

property by purchase, option, exchange, or lease. Acknowledgement: Owner - Robert T. Mauser, Charlotte E. Mauser and Sarah K. Mauser; composed of all or a portion of parcels bearing identification numbers 3618-04-61-3932 and 3618-04-80-8492; and located in the vicinity of the existing Blackburn Landfill and its intended use is for solid waste landfill and related activities. He said he did not expect the Board to take any action after closed session.

At 8:47 p.m., Commissioner Huffman made a motion to go into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Acknowledgement: Owner - Robert T. Mauser, Charlotte E. Mauser and Sarah K. Mauser; composed of all or a portion of parcels bearing identification numbers 3618-04-61-3932 and 3618-04-80-8492; and located in the vicinity of the existing Blackburn Landfill and its intended use is for solid waste landfill and related activities. The motion carried unanimously.

At 9:20 p.m. Chairman Ikerd made a motion to return to open session. The motion carried unanimously.

13. Adjournment.

At 9:20 p.m., there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

Thelda B. Rhoney
County Clerk